

Court, to recover damages therefor, but in the mean time and before the said action can be tried in the regular course of the court, the damage and injury done to his said freehold and estate and its just enjoyment, will, as he believes, be irreparable, by keeping open ways and roads upon and through it, and exposing it to the incursion and depredations of others, and injuring and permanently depressing its character, and the value and character of its title, and compelling complainant to bring a multiplicity of actions for its protection. The bill then prays for an injunction restraining said trespasses, which the Chancellor granted.

The answer of the defendants denies that they, their agents or servants have ever committed any trespass upon said land, and avers that the defendant, Carroll, has been seized in her own right, in fee simple, for more than forty years, of an elder tract of land, adjoining that of complainant, of which the defendant, Lawrenson, is the tenant, and that as owner and occupier of such elder tract, defendants have a right of way through and over the farm of complainant out to the county road, and that they and those under whom they claim have had, held and used the said right of way without any molestation, obstruction or question, uninterruptedly for sixty odd years, and that they so held and used and enjoyed the said right of way before said Edward A. Cockey purchased his said land, and during his lifetime, and whilst he held the same, and with his knowledge, and uninterruptedly until on or about the first of May last, when defendant, Lawrenson, whilst in the lawful and usual use and enjoyment of the said right of way, found the said road obstructed by some trees lying across the same, which had recently been placed there, and apparently with a view to obstruct him in the use of said road, and which trees defendant caused to be removed out of the road, but not from complainant's land, so as to permit him to pass with his wagon as he was wont and had a right to do. They deny that they, their servants or agents have ever cut or removed any timber from said land of complainant, except as above stated, and they deny that they, their servants or agents, have traveled or